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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 SEAN MOOTI,

11 Plaintiff(s),

12 v.

13 NANCY A. BERRYHILL,
14 Acting Commissioner of Social Security,

15 Defendant(s).

Case No. 2:17-cv-02298-JAD-NJK

ORDER

16 Pending before the Court is a notice of Plaintiff's death. Docket No. 15. Any motion to substitute
17 shall be filed within 90 days. *See* Fed. R. Civ. P. 25(a)(1). If such motion is not made, this case is subject
18 to dismissal. *See id.*

19 In the interim, and especially given that Plaintiff's next of kin expressly declined to continue this
20 litigation, the Court will **DENY** without prejudice the pending motions for summary judgment. Docket
21 Nos. 13-14. In the event substitution is permitted, the parties may file a stipulation to reactivate those
22 motions to the extent no further briefing or information is required. In the event substitution is permitted
23 but no such stipulation is filed, a renewed motion to reverse or remand shall be filed within 30 days of the
24 substitution order and shall be briefed pursuant to the schedule outlined in Docket No. 10.

25 IT IS SO ORDERED.

26 DATED: March 8, 2018

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NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE